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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Benoist Sebire

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7380

7590

01/25/2006

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EXAMINER

ELALLAM, AHMED

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/689,447	Applicant(s) <span style="float: right;">AC</span> SEBIRE, BENOIST	
	Examiner AHMED ELALLAM	Art Unit 2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/11/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is in response to the Amendment filed on October 19, 2005.

Claims 1-27 are pending.

#### ***Claim Objections***

1. Claim 1, 13, 19, 23, 25 and 27 are objected to because of the following informalities:

In claim 1, on line 11, the phrase " a packet data channel" should be changed to refer to its precedent.

In claim 1, line 13, the phrase "the connection" lack antecedent basis.

In claims 19, and 23 the phrase "the packet data channels" lack antecedent basis.

In claims 23, 25 and 27, "said same sequential time slot" lack antecedent basis.

The above number of minor informalities is not exhaustive. Applicant review of similar minor informalities is kindly requested

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the claimed "selecting the number of radio bursts in the certain time slot" is contradictory with the previous recited "certain time slot relating to one burst". More specifically, the time slot cannot be related to only one burst, and in the same time to a number of bursts. In addition the "certain time slot relating to one burst" is confusing, it is not clear what is the relationship between the time slot and the burst.

Claims 2-18 depends from claim 1, thus they are subject to the same rejection.

With regard to claims 19-27, claims 19-27 suffer from the same deficiencies as indicated above with reference to claim 1, therefore they are subject to the same rejections.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the transmission of data block in time slot of frame using radio bursts, see specification, page 4 third paragraph, it does not reasonably provide enablement for the selection of the number of radio burst in time slot. The specification does not enable skilled person in the art to which it pertains, or

with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. More specifically, the specification doesn't explain the conditions that trigger the selection of the number of the radio burst, and/or why such selection is required. In the instant application it is stated that "the invention does not specify on which basis the selection of number of radio burst per certain data block is performed" see page 9, lines 14-15.

### ***Response to Arguments***

4. Applicant's arguments filed on October 19 have been fully considered but they are not persuasive:

#### **U.S.C. 112, second paragraph:**

Applicant gave a brief overview of TDMA frames, and amended independent claims to clarify some of the well-known feature of TDMA frames. However, it is not clear from the language of the claims or that of the specification, what is the relationship between a sequential time slot and a burst. It is not clear if the same type of burst is repeated sequentially, which means that the selection of the number of bursts would be equivalent to selecting same number of corresponding time slots.

Applicant is required to explain the relationship between a burst and a timeslot since that is one of the most important feature of the invention.

Examiner has provided the Dam reference US (6,496,551) in which a burst is defined as comprising the information in the same time slot in a sequence of frames of predefined length, see column 4, lines 32-36. See also figure 2A-2E.

Given the definition above it follows that the claimed "selecting the number of radio bursts in said certain time slot" is contradictory with the claimed "certain time slot relating to one burst" as indicated in claim 1 for example.

Applicant is therefore required to explain the nature of the bursts and their relationship with the sequential time slots.

**U.S.C. 112, first paragraph:**

In the previous office action Examiner stated, *"the specification doesn't explain the conditions that trigger the selection of the number of the radio burst, and/or why such selection is required. In the instant application it is stated, "the invention does not specify on which basis the selection of number of radio burst per certain data block is performed"*.

In response Applicant stated that "the passage relied upon (Page 9, lines 14-15) mean that it is irrelevant to the present invention how many radio bursts per a certain data block are used. Thus it is not necessary to disclose this".

Examiner note that one of the most important feature of the claimed subject matter consist of the selection of the number of radio bursts, the number being at least two". Therefore, and contrary to Applicant, the number of burst selected is extremely relevant since it is one of the main feature of Applicant's claimed invention, and that

requires written description, the manner of making and using it in such clear, concise, and exact terms as to enable any person skilled in the art to which it pertains.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Scholefield et al, US (5,742,592); and Dam et al, US (6,496,551).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHMED ELALLAM  
Examiner  
Art Unit 2668  
January 18, 2006



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